

December 20, 2005

Paul C. Besozzi
(202) 457-5292
pbsozzi@pattonboggs.com

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

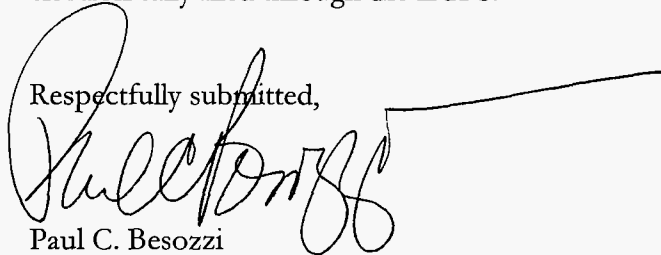
**Re: WC Docket No. 04-30 – Emergency Request for Declaratory Ruling – Additional
Ex Parte Filing By Gemini Networks CT, Inc. (“Gemini”)**

Dear Ms. Dortch:

Gemini files this additional *ex parte* filing to make the Commission aware of recent developments relating to its actions in connection with the recent decision of the Connecticut Department of Public Utility Control (“Department”) to terminate the ongoing arbitration proceeding in the matter of Petition of Gemini Networks CT, Inc. for Arbitration to Establish an Interconnection Agreement with the Southern New England Telephone Company, Docket No. 05-02-04. Gemini has filed a detailed Administrative Appeal of that decision with the Connecticut Superior Court for the Judicial District of New Britain. A copy of that Administrative Appeal is attached, along with a list of the extensive exhibits filed in support thereof. Gemini believes that most of these exhibits already have been filed at one point in this Docket and therefore is not including them again. However, Gemini is prepared to provide a complete set to the Commission on request.

Pursuant to Section 1.1206(b) of the Commission’s rules, this letter and its attachments are being electronically filed through the ECFS.

Respectfully submitted,



Paul C. Besozzi
Counsel for Gemini Networks CT, Inc.

cc: Wireline Competition Bureau

RETURN DATE: DECEMBER 27, 2005

DOCKET NO.	:	SUPERIOR COURT
	:	
GEMINI NETWORKS CT, INC.	:	JUDICIAL DISTRICT OF
	:	NEW BRITAIN
v.	:	
	:	
DEPARTMENT OF PUBLIC UTILITY	:	
CONTROL	:	DECEMBER 8, 2005

ADMINISTRATIVE APPEAL

To the Superior Court for the Judicial District of New Britain on December 9, 2005, comes Gemini Networks CT, Inc. ("Gemini"), having its offices at c/o Chase Enterprises, Inc., Goodwin Square, 225 Asylum Street, 29th Floor, Hartford, Connecticut, 06103-1538, appealing pursuant to Conn. Gen. Stat. §§ 16-35 and 4-183 et seq. from a final decision of the Connecticut Department of Public Utility Control ("Department") issued in Docket No. 05-02-04, Petition of Gemini Networks CT, Inc. for Arbitration to Establish an Interconnection Agreement with The Southern New England Telephone Company, on October 26, 2005 and mailed on October 27, 2005 ("Final Decision") (certified copy attached hereto as Exhibit A) and complains and says:

Parties and Jurisdiction

1. The Plaintiff-Appellant Gemini is a Delaware corporation authorized to do business in the State of Connecticut. Gemini is an authorized provider of telecommunications services throughout Connecticut, operates broadband network facilities in Connecticut, as

418797 v.01

authorized by the Department, and holds a certificate of public convenience and necessity ("CPCN") to operate as a competitive local exchange carrier ("CLEC") in Connecticut.

2. The Defendant-Appellee Department of Public Utility Control is an agency of the State of Connecticut charged with the certification and supervision of telecommunications companies in the State of Connecticut pursuant to Conn. Gen. Stat. § 16-1, et seq., and the Federal Communications Act of 1996, 47 U.S.C. § 151, et seq. (the "Act"). The Department rendered the Final Decision in Docket No. 05-02-04 that is the subject of this appeal.

3. This Court has subject matter jurisdiction over this action, which is an appeal from a final decision of the Department pursuant to Conn. Gen. Stat. §§ 16-35 and 4-183.

Factual Background

4. This appeal involves a tortured set of facts that establish a conspiracy between certain members of the Department, state elected representatives and SBC Connecticut to deprive Gemini of its legal rights.

5. In light of Gemini's conspiracy claim and the procedural illegalities and irregularities that do not appear in the record as a result of the Department's refusal to arbitrate as detailed hereinbelow, Gemini files herewith a Motion for Leave to Present Evidence. Gemini intends to introduce evidence in this appeal to supplement the record with respect to the allegations it makes herein.

6. On December 29, 1994, SBC Connecticut¹ filed its I-SNET Technology Plan with the Department. See Decision, Docket No. 03-01-02, Petition of Gemini Networks CT, Inc. for a Declaratory Ruling Regarding the Southern New England Telephone Company's Unbundled Network Elements, Dec. 17, 2003 ("Unbundling Decision") (attached hereto as Exhibit B). The intent of I-SNET was to provide a full suite of voice, video and data services through a network upgrade from the traditional twisted copper pair network infrastructure to a hybrid fiber coaxial ("HFC") network infrastructure. Id. Pursuant to the I-SNET plan, upon completion of the network upgrade, the twisted copper pair network was to be retired. Id. In consideration of SBC's I-SNET plan, the Department allowed SBC to include an allowance for the copper plant to be retired in depreciation. Id. The Department allowed SBC favorable regulatory treatment for deployment of the HFC technology. Id.

7. However, after the acquisition of SNET by SBC in 1998, SBC abandoned the HFC build-out. Only approximately 4,000 miles of HFC plant had been built, out of the approximately 200,000 miles of plant originally proposed.

8. Upon abandonment of the plant, several parties, including Connecticut Telephone, the Office of Consumer Counsel and the Attorney General, sought transfer of the existing HFC network to another party in order that the provision of advanced services would

¹ At that time, the Southern New England Telephone Company ("SNET"). SBC Connecticut did not

continue as promised. See Decision, Docket No. 00-08-14, Application of Southern New England Telecommunications Corporation and SNET Personal Vision, Inc. to Relinquish SNET Personal Vision, Inc.'s Certificate of Public Convenience and Necessity, Mar. 14, 2001 ("SPV Relinquishment Decision") (attached hereto as Exhibit C). Although the Department declined to order the transfer of the HFC network to a third party, the Department placed SBC on notice that the network would be subject to competitive access.²

9. Partly in reliance on the Department's pronouncement that the HFC network be made available for competitive access, and wholly in reliance on its state and federal rights, Gemini initiated contact with SBC in the spring of 2002 in an attempt to gain unbundled access to the abandoned HFC network.³ However, SBC refused to negotiate with

acquire SNET until 1998.

² "The Department fully understands that [sic] limits of the Telco's legal obligation under federal law to support unbundling and collocation, but the Department also believes that it has independent authority under Conn. Gen. Stat. §§ 16-247a(a)(2), 16-247b(b) and 16-247k(b)(4) to pursue such measures as it deems necessary to achieve the expressed goals of the Connecticut General Assembly in Public Act 94-83. Therefore the Department encourages the Telco to work and negotiate in good faith with any party interested in developing such an arrangement (i.e., complete end-to-end connectivity), and would expect any party aggrieved under the Telco's failure to do so, to formally notify the Department. Upon such a showing, the Department will be compelled to consider a generic investigation to update and review the implications of collocation and advanced service policies pursuant to provisions and current interpretations of the Telcom Act." SPV Relinquishment Decision at 31-32.

Gemini, simply stating that the HFC network was not subject to unbundling. Accordingly, on January 2, 2003, Gemini filed a Petition for Declaratory Ruling with the Department seeking a ruling that the HFC network is, in fact, subject to unbundling.

10. On December 17, 2003, the Department issued the Unbundling Decision ruling that the HFC network is subject to unbundling pursuant to both state and federal law and ordered SBC to negotiate an interconnection agreement with Gemini for access to the HFC network. See Exhibit B attached hereto.

11. SBC appealed the Department's Unbundling Decision to this Court on January 29, 2004.

12. Additionally, on February 10, 2004, SBC filed an Emergency Request for Declaratory Ruling and Preemption with the Federal Communications Commission ("FCC"), Docket No. 04-30 requesting that the FCC preempt the Department's decision and declare that the abandoned HFC network is not subject to unbundling. That proceeding is still pending as of the filing of this complaint.

13. On April 1, 2004, this Court, McWeeny, J., issued a Memorandum Of Decision sustaining the Department's ruling that the HFC is subject to unbundling, but

³ "Unbundled access" is a term of art defined in 47 U.S.C. § 251(c)(3) as "[t]he duty to provide, to any requesting telecommunications carrier for the provision of a telecommunications service, nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms and conditions that are just, reasonable and nondiscriminatory....".

remanding the matter to the Department for a finding of technical feasibility. See Exhibit D attached hereto.

14. On April 8, 2004, SBC sought clarification of the Court's order, arguing that the Court did not intend to make a finding that the HFC network was subject to unbundling. See SBC Motion for Clarification attached hereto as Exhibit E.

15. By ruling dated April 21, 2004, the Court, McWeeny, J., denied SBC's motion, stating that "[t]he Court was obligated to address the criteria of Section 16-247B in determining whether the DPUC Decision was in accordance with state law." See Exhibit F attached hereto.

16. Pursuant to the Court's ruling, the Department reopened the Unbundling Decision for the sole purpose of determining technical feasibility. See, Decision, Docket No. 03-01-02, Petition of Gemini Networks, CT, Inc. for a Declaratory Ruling Regarding the Southern New England Telephone Company's Unbundled Network Elements-Reopening, April 14, 2004. attached hereto as Exhibit G.

17. After hearings, briefs and arguments, the Department issued a decision specifically finding that it is technically feasible to unbundle the abandoned HFC network and again ordering SBC to negotiate an interconnection agreement with Gemini for access to the abandoned HFC network. See, Decision, Docket No. 03-01-02RE01, Petition of Gemini

Networks, CT, Inc. for a Declaratory Ruling Regarding the Southern New England Telephone Company's Unbundled Network Elements-Feasibility Determination, August 25, 2004, attached hereto as Exhibit H.

18. SBC did not appeal the August 25 decision to this Court, but rather filed a federal lawsuit seeking a declaratory ruling from the U.S. District Court that the Department was preempted by federal law from issuing its decision. That case was subsequently withdrawn by SBC. See generally Docket No. 3:04-CV-01675-RNC, Southern New England Telephone Company v. Connecticut Department of Public Utility Control, et al.

19. Gemini initiated interconnection negotiations with SBC pursuant to state and federal law on September 20, 2004.

20. Gemini attempted to negotiate with SBC for the required 135 day period. See 47 U.S.C. § 252 (b)(i). During the course of attempting to negotiate with SBC, Gemini marked-up more than 1,000 pages of form interconnection documents and participated in at least 3 face-to-face meetings with SBC.

21. However, despite Gemini's attempts, SBC failed to negotiate in good faith with Gemini, failed to respond to Gemini's mark-ups and failed to provide Gemini with unbundled access to the HFC network.

22. On February 8, 2005, Gemini filed a petition for arbitration with the Department in order to compel SBC to provide Gemini with unbundled access to the HFC network as ordered by the Department in its Decisions in Docket Nos. 03-01-02 and 03-01-02RE01.

23. Pursuant to Gemini's request for arbitration, the Department opened a contested case proceeding, Docket No. 05-02-04, that is the subject of this appeal, designating Commissioner Jack R. Goldberg as the lead Commissioner. See Docket page from DPUC identifying assigned Commissioners and staff, attached hereto as Exhibit I.

24. The Chairman of the Department, Donald W. Downes, also appointed Commissioner Jack R. Goldberg as arbitrator to arbitrate an interconnection agreement between Gemini and SBC. See March 10, 2005 letter of Donald W. Downs, attached hereto as Exhibit J.

25. Pursuant to Department procedure, the arbitrator would arbitrate the interconnection agreement, which would then be submitted to the Department in the contested case proceeding for Department approval.

26. Arbitrator Goldberg issued a procedural order in the Arbitration and conducted a preliminary technical meeting with the parties. See letters dated March 11, 2005 attached hereto as Exhibit K.

27. After the technical meeting, Arbitrator Goldberg referred to the Department for decision of the issue of the scope of the HFC network to be unbundled.

28. The Department, with Commissioner Goldberg as lead commissioner on the panel, issued a ruling defining the scope of the HFC network to be unbundled. See letter dated April 5, 2005 attached hereto as Exhibit L.

29. During the course of the arbitration proceeding, SBC introduced a bill at the General Assembly seeking certain price flexibility. The bill was numbered SB 1097.

30. Gemini exercised its legal rights and appeared at a hearing before the Energy and Technology Committee of the General Assembly and testified against the bill, along with numerous other parties including the Office of Consumer Counsel, the Attorney General, and Conversent Communications. In its testimony, Gemini described its experiences with SBC in attempting to gain unbundled access to the HFC network and SBC's anti-competitive conduct.

31. Commissioner Goldberg appeared at the same hearing before the Energy and Technology Committee of the General Assembly and testified in favor of SB 1097 on SBC's behalf.

32. Gemini was invited by the Energy and Technology Committee to submit documentation in support of its testimony concerning SBC's anti-competitive conduct.

Gemini complied with this request, submitting a binder of extensive documentary evidence in support of its testimony.

33. After providing its testimony, Gemini sought a meeting with legislative members of the Energy and Technology Committee to further explain its testimony.

Gemini's request was granted and a meeting was held on April 26, 2005.

34. After meeting with legislative members of the Energy and Technology Committee, Gemini was contacted by Senator John Fonfara concerning the HFC network and Gemini's attempts to gain access.

35. Over the course of the late spring of 2005, Senator Fonfara attempted to negotiate a settlement of the issues between Gemini and SBC concerning the abandoned HFC network.

36. On May 26, 2005, Senator Fonfara faxed Gemini's counsel an offer of sale from SBC. See fax from CT Senate Democrats attached hereto as Exhibit M.

37. Senator Fonfara requested a meeting with representatives of Gemini and SBC to discuss the offer of sale. Senator Fonfara scheduled the meeting for 1:00 p.m. on Tuesday, May 31, 2005.

38. Gemini appeared at the meeting at the State Capitol on May 31, 2005 and found that, in addition to representatives of SBC, Commissioner Goldberg was present at the

request of Senator Fonfara. Gemini did not object to Commissioner Goldberg's presence at that time as all parties to the arbitration were present, thus not constituting a violation of ex parte rules.

39. During the meeting on May 31, Gemini expressed numerous reasons why a short form agreement for purchase of the abandoned HFC network was not commercially reasonable, especially considering that Gemini had already won access to the HFC network in Department decisions, confirmed by the Courts. Moreover, Gemini indicated its unwillingness to purchase the abandoned HFC network as SBC had steadfastly refused to fully disclose material facts necessary to define the HFC network, including such material terms as the precise locations of the remaining portions of the abandoned HFC network, the condition of the network or the precise terms of sale.

40. After detailing its concerns with the proposed sale, Senator Fonfara asked Gemini what it would get by refusing to purchase the HFC network. Gemini stated that it would rely on its legal rights and the decisions of the Department and the Courts. At that point, Commissioner Goldberg asked Gemini, "what do you think you will get in the arbitration?" Gemini believed that Commissioner Goldberg's question was intended as a threat in an effort to force Gemini to purchase the abandoned HFC network on SBC's terms.

41. At the conclusion of the meeting on May 31, Senator Fonfara advised Gemini that Gemini had only 48 hours to make a decision.

42. After conducting a thorough business analysis based on the paltry amount of information provided, at approximately 6:30 p.m. on Thursday, June 2, 2005, Gemini notified Senator Fonfara that it could not proceed with the purchase of the HFC network on such short notice and sketchy terms. Gemini detailed numerous reasons why it was unable to proceed with such a purchase.

43. At approximately 9:30 p.m., Senator Fonfara relayed to Gemini another offer from SBC for purchase of the abandoned HFC network. This new offer merely reduced the proposed purchase price by a paltry sum but offered no new information concerning the material terms of the sale. At approximately 11:00 p.m., Gemini declined that offer as well. Senator Fonfara stated that Gemini "will be sorry it did not do the deal" and that "Gemini will not have its litigation when this is done." Based on information and belief, Commissioner Goldberg was present with Senator Fonfara at the time that these calls were made.

44. On Friday, June 3, 2005, Gemini received a phone call from an individual present at the Capitol. That individual reported to Gemini that Senator Fonfara, Representative Fontana, Commissioner Goldberg and numerous representatives of SBC had

convened in a conference room at the State Capitol and were discussing the abandoned HFC network, the pending arbitration and how to retaliate against Gemini for refusing to purchase the abandoned HFC network.

45. Later that afternoon, Gemini received another call stating that Senator Fonfara, Representative Fontana, Commissioner Goldberg and SBC representatives had emerged from the conference room and had drafted a memorandum of understanding ("MOU") and several amendments to SB 1097.

46. On Monday, June 6, 2005, Gemini approached the Legislative Commissioner's Office seeking a copy of the revised bill and a copy of the MOU. Gemini was advised by the Legislative Commissioner's Office that "the leadership has instructed us not to release it."

47. SB 1097 passed the Senate by consent late Monday night, June 6, 2005.

48. On Tuesday, June 7, 2005, Gemini obtained a revised copy of SB 1097. Two amendments had been added to the bill by the group convened in the Capitol on June 3. The first amendment essentially put Gemini out of business by statutorily mandating that no unbundled access to the HFC network could be ordered by the Department. The second

amendment allowed the Department to enter into third party agreements. See Substitute Senate Bill No. 1097 attached hereto as Exhibit N.

49. Gemini approached other members of the Energy and Technology Committee, including Representatives Robert Megna and Vicki Nardello. Both representatives Megna and Nardello attempted to get copies of the memorandum of understanding and both were denied access to the document.

50. Representatives Nardello and Megna raised the issue of the MOU during the House of Representative debate on SB 1097 at approximately 10:30 p.m., Tuesday June 7, 2005. The debate was aired live on CTN.

51. Just before 11:00 p.m. Tuesday, June 7, 2005, the House of Representatives passed SB 1097.

52. After passage of SB 1097, aware that Commissioner Goldberg had been inappropriately involved in the negotiation of a secret MOU and in the amendments to SB 1097, Gemini instructed its counsel to write a letter to the Governor's office detailing the problems surrounding passage of the bill. See June 10, 2005 letter from Gemini's counsel to Attorney Vanessa Ramirez attached as Exhibit O hereto.

53. Based on Gemini's allegation of wrongdoing by Commissioner Goldberg, on July 11, 2005, Governor Rell vetoed SB 1097. See Governor's veto message attached hereto as Exhibit P.

54. Additionally, based on Commissioner Goldberg's unlawful actions in the promulgation of SB 1097 and the secret MOU, Gemini filed a Motion for Recusal of Arbitral Staff from the still pending arbitration between Gemini and SBC. See Motion for Recusal of Arbitral Staff, June 23, 2005, attached hereto as Exhibit Q.

55. Commissioner Goldberg voluntarily recused himself on June 23, 2005. See June 23, 2005 letter of Jack R. Goldberg attached hereto as Exhibit R.

56. Subsequently, through the Freedom of Information process, Gemini received a copy of the secret MOU, along with other documentation. The secret MOU turned out to be a contract between the Department and SBC wherein the Department agreed that, among other things, immediately upon passage of SB 1097, the Department would reopen and vacate its Decisions in Docket Nos. 03-01-02 and 03-01-02RE01. See Memorandum of Understanding attached hereto as Exhibit S.

57. Gemini also received copies of a letter of commitment from SBC, wherein SBC agreed, upon passage of SB 1097 and the Department's vacatur of its Decisions in Docket No. 03-01-02 and 03-01-02RE01, to allow the Department to place the abandoned HFC network up for sale on terms and conditions established by SBC. Gemini also received a copy of SBC's terms and conditions for sale. See letter of Commitment and Offer of Sale attached hereto as Exhibit T.

58. Numerous media reports have chronicled the circumstances surrounding SB 1097 and Commissioner Goldberg's involvement. Those media reports are attached hereto as Exhibit U.

59. Gemini provided these documents to the Governor's office by letter dated October 7, 2005, requesting an investigation into the unlawful ex parte contacts between SBC and Commissioner Goldberg and Commissioner Goldberg's actions with respect to passage of SB 1097 and negotiation of these documents.

60. On October 20, 2005, Gemini was contacted by the Office of the Auditor of Public Accounts and told that Gemini's complaint to the Governor's office was being treated as a whistleblower complaint and that an investigation was underway.

61. On August 31, 2005, absent any motion, request, or process and failing to appoint a new arbitrator or otherwise take evidence on any of these issues, and despite two earlier decisions confirming Gemini's legal rights to unbundled access to SBC's abandoned HFC network, the Department issued the Draft Decision in Docket No. 05-02-04 dismissing the arbitration.

62. Gemini filed written exceptions to the Draft Decision and participated in oral arguments before the Department, detailing the lack of legal basis for the Draft Decision.

63. The Department issued the final Decision dismissing Gemini's arbitration on October 26, 2005. This Final Decision is the basis for this appeal.

Appeals Under the Uniform Administrative Procedure Act

64. Connecticut's Uniform Administrative Procedure Act ("UAPA") imposes both substantive and procedural limits on agency action. Among other obligations, an agency decision cannot be

(1)[in] violation of constitutional or statutory provisions; (2) in excess of the statutory authority of the agency; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Conn. Gen. Stat. § 4-183(j).

65. The Department's Final Decision violates every requirement set forth in § 4-183(j) of the UAPA.

66. The final Decision violates Gemini's constitutional and statutory rights to due process and fundamental fairness.

67. Commissioner Goldberg's participation in the promulgation of SB 1097 and discussion of and/or negotiation of an unlawful ex parte contract with SBC to deprive Gemini of its legal rights to unbundled access to the HFC network, in addition to the Department's refusal to enforce its own orders as set forth in Docket Nos. 03-01-02 and 03-01-02RE01, are contrary to or in excess of the statutory authority of the Department.

68. The ex parte contacts between Jack Goldberg, as presiding Commissioner in Docket No. 05-02-04 and as Arbitrator in the pending arbitration, and SBC constitute unlawful procedure and a violation of Conn. Gen. Stat. § 4-181(a) the Department's own procedural order, and the Arbitrator's procedural order.

69. The mere discussion between the Department and SBC of the terms and conditions described in the MOU violate the procedural guarantees described in Conn. Gen.

Stat. § 4-181a, the Department's own regulations, the Arbitrator's procedural order and Gemini's due process rights.

70. In agreeing in the secret MOU to vacate its decisions in Docket Nos. 03-01-02 and 03-01-02RE01, the Department violated Conn. Gen. Stat. § 4-181a, the Department's own regulations, and Gemini's due process rights.

71. The Department's dismissal of the arbitration is clearly in retaliation against Gemini for Gemini's whistleblowing activities with respect to SB 1097 and accordingly a violation of the spirit and intent of Conn. Gen. Stat. § 4-61dd.

72. The facts demonstrate that the decision is clearly erroneous, arbitrary, capricious, and a gross abuse of discretion.

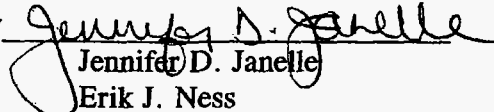
73. The Department's refusal to arbitrate Gemini's interconnections agreement with SBC and subsequent dismissal of Docket No. 05-02-04 violates the Equal Protection clauses of the United States and Connecticut Constitutions in that it unreasonably denied Gemini equal protection of the law. The Department's retaliatory and discriminatory treatment of Gemini by refusing to arbitrate its interconnection agreement with SBC is arbitrary and has no rational basis to a legitimate state end.

WHEREFORE, Plaintiff-Appellant, Gemini, appeals from the ruling of the Department, Docket No. 05-02-04, and prays that the Court vacate and set aside the Final

Decision, and remand the matter to the Department for further proceedings and pursuant to Conn. Gen. Stat. § 4-183 (k), order the Department to enforce its own orders in Docket Numbers 03-01-02 and 03-01-02RE01; and further, order the Department to Arbitrate in a timely manner, Gemini's underlying Petition from which it appeals to this Court by directing the Department to complete the Arbitration, by a date certain; and further, award Gemini reasonable fees and expenses in accordance with Conn. Gen. Stat. § 4-184a; and for such other relief as the Court finds proper.

Dated at Hartford, Connecticut this 8th day of December, 2005.

THE PLAINTIFF-APPELLANT,
GEMINI NETWORKS CT, INC.

By 
Jennifer D. Janelle
Erik J. Ness

Shipman & Goodwin LLP
One Constitution Plaza
Hartford, Connecticut 06103-1919
Telephone (860) 251-5912
Facsimile (860) 251-5211
Juris No. 057385
Its Attorneys

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List of Exhibits to Administrative Appeal

Exhibit

- A Certified Copy of Department of Public Utility Control Decision, Docket No. 05-02-04, Petition of Gemini Networks CT, Inc. for Arbitration to Establish an Interconnection Agreement with The Southern New England Telephone Company, dated October 26, 2005
- B Department of Public Utility Control Decision, Docket No. 03-01-02, Petition of Gemini Networks CT, Inc. for a Declaratory Ruling Regarding The Southern New England Telephone Company's Unbundled Network Elements, dated December 17, 2003
- C Department of Public Utility Control Decision, Docket No. 00-08-14, Application of Southern New England Telecommunications Corporation and SNET Personal Vision, Inc. to Relinquish SNET Personal Vision, Inc.'s Certificate of Public Convenience and Necessity, dated March 14, 2001
- D Memorandum of Decision, Southern New England Telephone Company v. Connecticut Department of Public Utility Control, et al., CV 04-0525443S (McWeeny, J.), April 1, 2004
- E The Southern New England Telephone Company's Motion for Clarification, Southern New England Telephone Company v. Connecticut Department of Public Utility Control, et al., CV 04-0525443S, April 8, 2004
- F Order on Motion for Clarification (McWeeny, J.), Southern New England Telephone Company v. Connecticut Department of Public Utility Control, et al., CV 04-0525443S, April 21, 2004
- G Department of Public Utility Control Decision, Docket No. 03-01-02, Petition of Gemini Networks CT, Inc. for a Declaratory Ruling Regarding The Southern New England Telephone Company's Unbundled Network Elements – Reopening, dated April 14, 2004
- H Department of Public Utility Control Decision, Docket No. 03-01-02RE01, Petition of Gemini Networks CT, Inc. for a Declaratory Ruling Regarding The Southern New England Telephone Company's Unbundled Network Elements – Feasibility Determination, dated August 25, 2004
- I Docket page from the Department of Public Utility Control's website identifying assigned Commissioners and staff, June 30, 2005

- J March 10, 2005 letter of Donald W. Downes, appointing Commissioner Jack R. Goldberg as Arbitrator
- K March 11, 2005 letter of Vivian Y. McWatt, Esq., issuing a procedural order in the Arbitration and preliminary technical meeting with the parties
- L April 5, 2005 letter ruling of the Department of Public Utility Control defining the scope of the HFC network to be unbundled
- M May 26, 2005 facsimile from Senator John Fonfara (CT Senate Democrats) to Gemini's counsel regarding an offer of sale from SBC
- N Substitute Senate Bill No. 1097
- O June 10, 2005 letter from Gemini's counsel to Attorney Vanessa Ramirez, Office of the Governor
- P Governor M. Jodi Rell's veto message dated July 11, 2005 regarding Senate Bill 1097
- Q Gemini's Motion for Recusal of Arbitral Staff in Docket No. 05-02-04 dated June 23, 2005
- R June 23, 2005 letter of Jack R. Goldberg, voluntarily recusing himself as Arbitrator
- S Memorandum of Understanding
- T SBC Connecticut's Letter of Commitment and Offer of Sale
- U Numerous media reports surrounding Senate Bill 1097 and Commissioner Goldberg's involvement